IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION Case No. 5:21-hc-02164-M

UNITED STATES OF AMERICA,)		
Petitioner,)	·	
v.)	ORDĘR	Į
JAMES KOZOHARSKY,)		
Respondent.)		

These matters come before the court on the Respondent's pro se motions "for clarifying and summary judgment petition" [DE 13] and "for injunctive relief and/or any other relief due under United States Constitution" [DE 14]. Respondent signed these motions on August 6, 2021 and August 15, 2021, respectively. [DE 13 & 14]. The court notes that counsel for Plaintiff entered their appearances on August 3, 2021 and August 5, 2021, and that, due to his incarceration, it is possible the Respondent did not have notice of these appearances. Accordingly, the court DENIES the motions WITHOUT PREJUDICE to the Respondent's ability to re-file through his counsel, if they so determine. *See United States v. Hammond*, 821 F. App'x 203, 207 (4th Cir. 2020) ("a district court is under no obligation to consider a defendant's pro se motion when he is represented by counsel.") (citing *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984) and *United States v. Carranza*, 645 F. App'x 297, 300 (4th Cir. 2016)).

SO ORDERED this 7th day of September, 2021.

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE